

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

GREGORY CHARLES JACKSON,

Plaintiff,

V.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

Case No. C19-5359-MLP

ORDER DENYING PLAINTIFF'S  
MOTION TO FILE AN OVER-  
LENGTH OPENING BRIEF

This matter comes before the Court upon Plaintiff's motion for leave to file an over-opening brief. (Dkt. # 11.) Plaintiff's motion was filed along with a twenty-two page brief (dkt. # 12) on the same day the brief was due. Plaintiff's motion was also accompanied by a declaration from counsel, and simply stated that the opening brief "exceeds page limit per court rule . . . due to the extensive and complex medical evidence in the file." (# 11 at 2.)

Plaintiff's motion (dkt. # 11) is DENIED, as Plaintiff has failed to show good cause for an exception to the page limitations set by the Court. As a threshold matter, the Scheduling Order in this matter states that “[s]tipulations and motions to extend time or page limitations must be noted on the Court's calendar *prior to the due date*[.]” ((Dkt. # 10 at 1 (emphasis added)), W.D.

1 Washington LCR 7(d) (providing that a motion seeking approval to file an over-length motion or  
2 brief “shall be filed as soon as possible but no later than three days before the underlying motion  
3 or brief is due, and shall be noted for consideration for the day on which it is filed”.) Plaintiff  
4 failed to comply with the Court’s directive and instead filed the motion and opening brief on the  
5 same date.

6 Similarly, the Scheduling Order provides that the opening brief should not contain a  
7 “lengthy recitation of background facts or medical evidence,” as “[d]iscussion of the relevant  
8 facts must be presented in the argument section in the context of the specific errors alleged.”  
9 (Dkt. # 10 at 2.) However, Plaintiff’s opening brief includes a lengthy statement of facts  
10 divorced from any specific assignment of error.<sup>1</sup> Plaintiff has failed to show how this particular  
11 social security case is more lengthy or complex than any other, and Plaintiff’s opening brief  
12 contains lengthy boilerplate discussions of the general governing legal standards and recitation of  
13 the medical record despite the Court’s directive that such summaries be omitted. (*Id.*)

14 Accordingly, Plaintiff’s opening brief (dkt. # 12) is STRICKEN. Plaintiff shall re-file an  
15 opening brief that complies with the Court’s directives and the local rules of this district by no  
16 later than **Thursday, August 15, 2019**. In addition, Plaintiff is advised that any assignment of  
17 error relating to the ALJ’s treatment of a particular medical source’s opinion in relation to the  
18 RFC should explicitly discuss the ALJ’s reasons for declining to adopt that source’s opinion.  
19 Conclusory assertions that the ALJ erred by failing to adopt a particular medical source opinion  
20 and incorporate it into the RFC, without more, is insufficient.

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23 <sup>1</sup> The Court notes that the opening brief also includes an inaccurate statement of the  
alleged assignments of error. (Dkt. # 12 at 2.)

1 The Clerk is directed to send copies of this order to the parties.

2 Dated this 12th day of August.

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4 MICHELLE L. PETERSON  
5 United States Magistrate Judge  
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